IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2683 OF 2004

Naresh Kara & Anr.....Petitioners

Versus

Deputy Registrar, Co-op.Societies
& Anr. .....Respondents

Mr. F. Devetri with Mr. D.J. Khambatta i/b.Federal &
Rashmikant for the Petitioner
Mr. G.W.Mattos, A.G.P., for the Respondents.

CORAM: F.I. REBELLO, J.
DATE : 12th October,2004

P.C.:

1. Rule. Heard forthwith.

2. An Administrator came to be appointed under Section 77A of the Maharashtra Co-operative Societies Act as according to the respondent No.1 the society failed to hold elections in the manner required under the Act, Rules and the Bye-laws of the society. It is also pointed out that the annual general meeting was not held within the time as stipulated.

2. From the records it appears that the society in fact had intimated that they are desiring to hold elections, but on account of some procedural difficulties the elections could not be held. The society has now handed over the election programme fixed by the Returning Officer appointed by the Respondent No.1. Considering that, in my opinion the ends of justice will be met if the following order is passed:-

(i) The order appointing Administrator dated 26th August, 2004 (Exhibit H and H-1) is quashed and set aside. The managing committee who were holding the office to continue as

such managing committee members of the society.

(ii) The election to the managing committee to be completed in terms of the election programme handed over today in the Court marked "X" for identification. The election to be completed in terms of the programme handed over.

(iii) Considering the circumstances and the peculiar facts of this case, the present managing committee is directed to call the annual general body meeting which will be held within one week after the elections at which annual general body meeting the election results also be declared.

. Parties/Authorities to act on an ordinary copy of this order duly authenticated by the Associate/Personal Secretary of this Court.

(F.I.REBELLO, J.)